

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**Docket No.  
**C38435/111656**In Re Application Of: **Heinrich BACHMANN et al.**Serial No.  
**09/504,393**Filing Date  
**February 15, 2000**Examiner  
**Yong Pak**Group Art Unit  
**1652**Invention: **BETA,BETA-CAROTENE 15,15'-DIOXYGENASES, NUCLEIC ACID SEQUENCES  
CODING THEREFOR AND THEIR USE****TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **August 28, 2001** finally rejecting Claim(s) **6-36**.

The fee for this Notice of Appeal is: **\$320.00**

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **02-4467**.  
A duplicate copy of this sheet is enclosed.

  
SignatureDated: **February 28, 2002**

**Kevin C. Hooper**  
Reg. No. 40,402  
**BRYAN CAVE LLP**  
245 Park Avenue  
New York, NY 10167-0034  
(212) 692-1800

I certify that this document and fee is being deposited  
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February 28, 2002

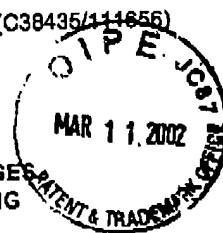
Docket No. 20347 US (C38435/114856)

In re Patent Application of:  
Heinrich BACHMANN et al.

Serial No.: 09/504,393

Filed: February 15, 2000

For:  $\beta,\beta$ -CAROTENE 15,15'-DIOXYGENASE  
NUCLEIC ACID SEQUENCES CODING  
THEREFOR AND THEIR USE



Enclosed:

1. Response To Office Action Including Amendment And Petition For Extension Of Time with Exhibit 1 and certificate of mailing (21 pp, including duplicate p 2)
2. Notice of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences with certificate of mailing (1 p in duplicate)
3. Check for \$920.00 (Petition fee)
4. Check for \$320.00 (Appeal fee)
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*In re* Patent Application:

Heinrich BACHMANN *et al.*

Serial No.: 09/504,393

Filed: February 15, 2000

For:  $\beta$ , $\beta$ -CAROTENE 15,15'-DIOXYGENASES, NUCLEIC ACID  
SEQUENCES CODING THEREFOR AND THEIR USE

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Docket No.: 20347 US (C38435/111656)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Patent Application of : )  
Heinrich BACHMANN *et al.* )  
Serial No.: 09/504,393 )  
Filed: February 15, 2000 )  
For:  $\beta$ , $\beta$ -CAROTENE 15,15'-DIOXYGENASES, )  
NUCLEIC ACID SEQUENCES CODING )  
THEREFOR AND THEIR USE )

Examiner Yong Pak  
Art Unit 1652

New York, New York  
June 6, 2002

**COMMUNICATION**

Attn: Examiner Yong Pak  
Commissioner for Patents  
Washington, DC 20231

Sir:

This communication is provided as a courtesy to the Examiner in view of a telephone discussion with the Examiner on June 5, 2002 during which the Examiner indicated the Office had no record of receiving the Notice of Appeal that was timely filed on February 28, 2002, which has apparently been lost. Accordingly, a copy of the Notice of Appeal as filed is attached as Exhibit 1, along with a copy of the PTO-stamped postcard, which is *prima facie* evidence of receipt by the PTO of the Notice of Appeal.

It is not believed that this communication occasions any fee, but should there be any fee, please charge the same to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.

I hereby certify that this correspondence is being transmitted to the U.S. Patent Office via facsimile transmission and addressed to the Attn: Examiner Yong Pak, Commissioner For Patents, Washington D.C. 20231 on June 6, 2002.

  
Kevin C. Hooper

Respectfully submitted,

By: 

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